

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION MEETING AGENDA



August 7, 2024

Notice is hereby given that the **Cottonwood Heights Planning Commission** will convene on **Wednesday, August 7, 2024**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for its **Work Session** and **Business Session** meetings.

1. Work Session – **5:00 p.m.** – City Council Work Room
2. Business Session – **6:00 p.m.** – City Council Chambers

Both sessions will also be broadcast electronically on the city’s YouTube channel at <https://www.youtube.com/@CottonwoodHeights/streams>. **Please see the reverse side of this agenda for instructions on how to make public comment.**

## **5:00 p.m. Work Session**

### **1.0 Review Business Session Agenda**

*The commission will review and discuss agenda items.*

### **2.0 Short-Term Rental Discussion**

*This item is a high-level discussion of the city’s current short-term rental policies and potential options for updating these policies.*

### **3.0 Town Center Update**

*This item is an update on the city’s efforts to design a “town center” style development at 2300 E. and Fort Union Blvd., including information on a potential general obligation bond ballot initiative related to this project.*

### **4.0 Adjourn**

## **6:00 p.m. Business Session**

### **1.0 Welcome and Acknowledgements**

- 1.1 Ex parte communications or conflicts of interest to disclose

### **2.0 General Public Comment**

*This is an opportunity for individuals to make general public comments that do not relate to any projects scheduled for public hearing under the “Business Items” section of this agenda. Please see the Public Comment Policy on the reverse side of this agenda for more information.*

### **3.0 Business Items**

- 3.1 Project SPL-24-001

*A public hearing and possible action on a request from Ivory Homes for approval of a private gate within the Butler Hills View Subdivision at approximately 7496 S. Orion View Cir.*

### **4.0 Consent Agenda**

- 4.1 Approval of Planning Commission Minutes from June 5, 2024 Meeting
- 4.2 Approval of Planning Commission Minutes from July 11, 2024 Meeting

### **5.0 Adjourn**

*Next Planning Commission Meeting: September 4, 2024*

## **Public Comment Policy**

Individuals may provide public comment verbally or via writing.

**Verbal comments** are accepted in person at the 6:00 p.m. Business Session, but not at the 5:00 p.m. Work Session. At the Business Session, public comment may be given during two intervals:

1. General Public Comment Period – An opportunity for general comments not relating to specific projects on the meeting agenda.
2. Specific Project Public Hearings – An opportunity for comments relating to specific projects on the meeting agenda which were noticed as public hearings.

**Please note that verbal comments must be provided by attending the meetings in-person.** Verbal comments cannot be provided via the electronic broadcast of planning commission meetings on the city's YouTube channel.

Verbal comment periods are an opportunity for individuals to share comments as they see fit but **are not an opportunity for "question and answer" dialogue.** Questions should be directed to city staff at [planning@ch.utah.gov](mailto:planning@ch.utah.gov). Verbal comments provided during the public comment period will be limited to three minutes per individual, or five minutes per a spokesperson who has been asked by a group that is present to summarize their concerns.

Alternatively, **written comments** may be submitted to staff via email at [planning@ch.utah.gov](mailto:planning@ch.utah.gov). For written comments to be entered into the record and distributed to the planning commission prior to the meeting, they must be submitted to staff by 12:00 p.m. MST on Tuesday, August 6, 2024, the day prior to the meeting. Comments received after this deadline will be distributed to the planning commission after the meeting.

## **Meeting Procedures**

Items will generally be considered in the following order: 1. Chair introduction of item, 2. Staff presentation, 3. Applicant presentation, if applicable, 4. Chair opens public hearing, if applicable, 5. Chair closes public hearing, if applicable, 6. Planning commission deliberation, 7. Planning commission motion and vote on item.

Applications may be tabled if additional information is needed in order to act on the item; or if the planning commission feels there are unresolved issues that may need further attention before the commission is ready to make a motion. No agenda item will begin after 9:00 pm without a unanimous vote of the commission. The commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

## **Notice of Compliance with the Americans with Disabilities Act (ADA)**

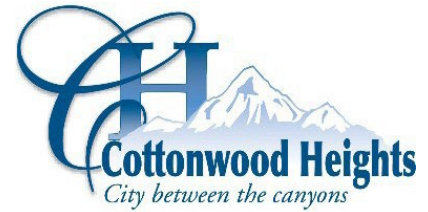
In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7021 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

## **Confirmation of Public Notice**

On Friday, August 2, 2024, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at [www.cottonwoodheights.utah.gov](http://www.cottonwoodheights.utah.gov) and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 2<sup>ND</sup> DAY OF AUGUST, 2024, Attest: Paula Melgar, City Recorder

# COTTONWOOD HEIGHTS CITY PLANNING COMMISSION STAFF REPORT



August 7, 2024

## Summary

**Project Number:**  
SPL-24-001

**Subject Property:**  
7496 S Orion View  
Cir.

**Action Requested:**  
Site Plan Approval  
for Private Access  
Gate

**Applicant:**  
Peter Gamvroulas,  
Ivory Homes

**Recommendation:**  
APPROVE

## Context

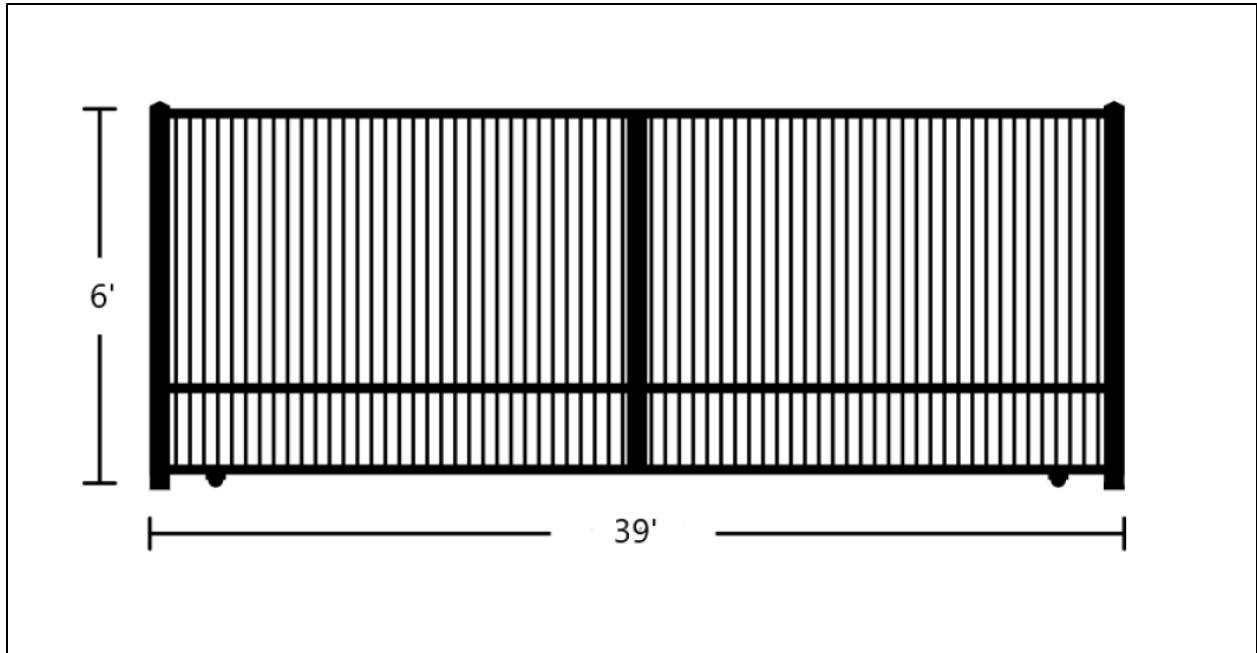
**Property Owner:**  
Ivory Homes



## Request

The applicant is requesting site plan approval to construct a private access gate within the private portion of the Butler Hills View Subdivision, located at approximately 7496 S. Orion View Cir. This is a recently approved subdivision, located directly north of Cottonwood Heights City Hall. The private street provides access to three new lots, which are currently under construction, and does not provide through access or connection to any other properties.

The gate is proposed to be a 'slide' gate, meaning it slides open for access along a horizontal (east/west) plane and does not swing open to the north or south. The proposed gate is 6' in height and 39' in width. The proposal also includes a separate proposed pedestrian gate on the sidewalk, with the same architectural style. A rendering of the proposed gate is provided below:



## Approval Procedure

Private gates are allowed on private roadways, subject to Planning Commission approval. The following provision from Title 14 of City Code (Highways, Sidewalks, and Public Places) provides the following direction:

### **14.12.130.F – Private Roadways**

*F. Gated access to private roadways is subject to prior city approval and shall be considered by the city’s planning commission on a case-by-case basis. Proposed gated access shall be subject to any minimum standards for such gateways adopted by the city, and to design review by the city’s architectural review commission.*

Staff has reviewed the proposed private access gate in accordance with the above ordinance provision, and has the following findings and recommended conditions:

- The proposed private access gate is located entirely within a private portion of a subdivision.
- The location of the proposed gate does not propose any substantial concerns related to traffic or vehicular queues, and does not present any significant circulation concerns, as the gate only impacts three lots.
- The gate must be reviewed and approved by the Fire Department and meet Fire Code requirements for emergency access. Typically, this means that a knock box must be installed, to the satisfaction of the Fire Department, to allow access.
- The proposed gate is subject to building permit requirements and must obtain approval by all relevant city departments.
- The requirement to obtain architectural approval is not applicable, due to recent State Code provisions that prohibit cities from imposing design standards on single-family development located outside of Planned Unit Developments.

- The applicant should provide verification that there is a maintenance plan in place for the proposed gate.
- Any gate malfunctions should result in the gate being left in the open position, so as not to temporarily prohibit access to the three subdivision lots within the Butler Hills View subdivision.
- Historically, a gate existed in the same location limiting access to the private property that existing before the subdivision was developed.

## Recommendation & Model Motions

Based on the findings and analysis presented herein, staff recommends that the Planning Commission approve SPL-24-001 subject to the following conditions:

Recommended conditions of approval:

1. The applicant shall obtain a building permit, subject to review by all relevant city departments
2. The applicant shall comply with all fire department standards and requirements to provide emergency access
3. The applicant shall submit an operations and maintenance manual for the proposed gate
4. Upon any malfunction, the gate shall be programmed to remain in the 'open' position

Findings of fact include:

1. The proposed gate complies with Title 14 of the city ordinance.
2. A building permit will be required, subject to review by all city departments, to ensure that the gate meets all relevant codes and ordinances, including emergency access requirements.
3. A Planning Commission meeting was held, as required by ordinance.
4. The architectural review standards are not applicable, pursuant to State Code provisions prohibiting design requirements in standard single-family subdivisions.

### **Approval**

*I move to approve project SPL-24-001 based on the findings and recommendations listed in the staff report dated August 7, 2024*

### **Denial**

*I move to deny project SPL-24-001 based on the following findings:*

- *List findings for denial...*

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## Attachments

- Applicant's Narrative

June 27<sup>th</sup>, 2024

Mike Johnson  
Community & Economic Development Director  
Cottonwood Heights  
2277 Bengal Blvd  
Cottonwood Heights, UT 84121

Re: Narrative- Conditional Use Permit Application- Butler Hills View Security Gate

Dear Mr. Johnson,

This letter is to accompany the Conditional Use Permit Application for a security gate serving three homes in the Butler Hills View Subdivision located at 7496 South Orion View Circle. The following is a response to required written narrative in the application form:

The proposed gate is requested to service Lots 101-103 of the Butler Hills View. Given the unique configuration of the subdivision the gate will be wholly within two of the private lots (101 and 103). The cul-de-sac and associated stem are platted as a portion of the private lots and the roadway infrastructure is encumbered with an access easement in favor of lots 101-103.

Historically, and up until the development of this subdivision, a gate existed in nearly this exact location.



Image 1: Google Earth August 2014 image of historic gate.

Like the historic gate, the proposed gate will be located at the base of the cul-de-sac bulb. This would allow for unimpeded queuing on the stem of the roadway for over 126 feet. However,

little queuing, if any, is anticipated as the community being serviced only includes three single-family homes.

The vehicular gate will be designed as simple thirty-nine-foot black wrought iron six-foot panel. The panel will slide to the west and hide away in lot 101 when opening. A pedestrian access gate will be located on the sidewalk on the east side of the cul-de-sac.

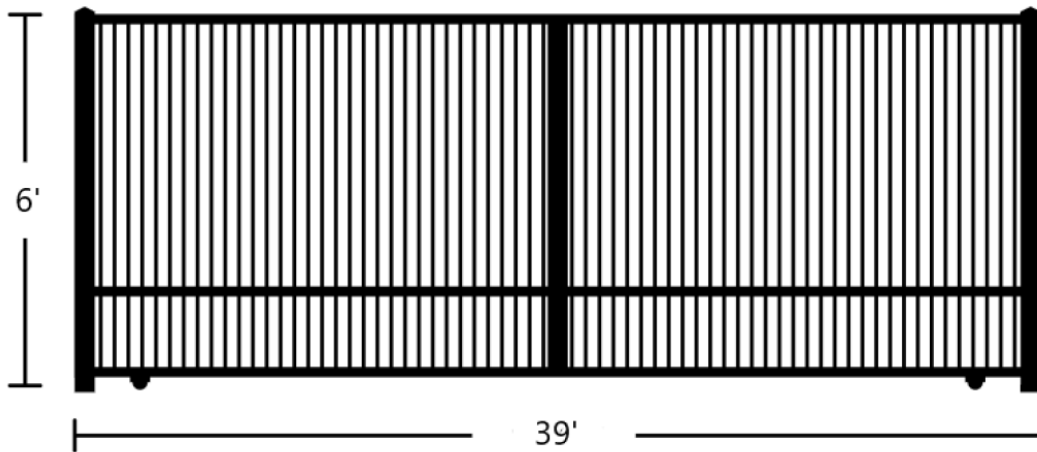


Image 2: Proposed Gate Design

The gate will operate primarily through remote signals for homeowners of the associated lots. A keypad and call box will be installed on the outside of the gate for guests and delivery vehicles. The gate will also include access features for fire, police, and ambulance services and will meet all fire codes and local fire marshal requirements.

The gate will serve as an updated replacement for what has historically existed in this location. It will have a simple design and its operations will have no impact on city roads or services. For these reasons we request that the city's architectural review commission and planning commission consider this application for conditional use.

Thank you,

Peter Gamvroulas  
Project Manager | Ivory Development  
978 East Woodoak Lane  
Salt Lake City, UT 84117  
801-842-5714  
[peterg@ivoryhomes.com](mailto:peterg@ivoryhomes.com)

**MINUTES OF THE COTTONWOOD HEIGHTS CITY  
PLANNING COMMISSION WORK MEETING**

**Wednesday, June 5, 2024  
5:00 p.m.  
2277 East Bengal Boulevard  
City Council Work Room**

***ATTENDANCE***

**Members Present:** Vice-Chair Lucy Anderson, Commissioner Mike Smith (via Zoom), Commissioner Mike Shelton (via Zoom), Commissioner Sean Steinman, Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler (via Zoom)

**Staff Present:** Deputy City Recorder Maria Devereux, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, Alex Earl System Administrator

**WORK SESSION**

In the absence of Chair Dan Mills, Vice-Chair, Lucy Anderson, called the Cottonwood Heights Work Session to order at 5:00 p.m. and welcomed those present. She noted that some of the Commissioners were attending the meeting virtually via Zoom and some in person.

**1.0 Review Business Session Agenda.**

Vice-Chair Anderson reviewed the Business Session agenda items. Following the General Public Comment there was to be a discussion on Project ZMA-24-001, which relates to Form-Based Code. There will then be a review of the Meeting Minutes included in the Consent Agenda. During the Work Session, there will be a presentation and discussion on the Old Mill Conceptual Plan. Vice-Chair Anderson clarified that there was no public input received during the Work Session.

Ahead of the Old Mill Conceptual Plan presentation, Senior City Planner, Samantha DeSeelhorst, shared information about Form-Based Code. Ms. DeSeelhorst explained that Form-Based Codes are a way of regulating development. Conventional zoning ordinances primarily regulate the use of a building such as the specific type of business allowed within it. The form of the building is a secondary consideration. On the other hand, Form-Based Code flips this emphasis. Form-Based Codes primarily regulate the form of a building, such as its massing, public space, and quality. The use of the building is still regulated but as a secondary consideration. Ms. DeSeelhorst informed the Commission that Form-Based Codes do not affect single-family development. They are instead a tool for reimagining commercial, multi-family, or mixed-use properties.

Since there is an emphasis on building form with Form-Based Code, this results in development that is of higher quality, has a more consistent community identity or feel, and can accommodate

a variety of uses as businesses change over time. Additionally, Form-Based Code provides property owners with greater flexibility for redevelopment options, should they decide to redevelop in the future.

In 2020, the City Council directed Staff to research Form-Based Code for a portion of the Fort Union Boulevard corridor. This has been a longstanding recommendation from the Master Plans in the City, including the Fort Union Boulevard Master Plan. The City hired VODA as a Consultant to assist with drafting a Form-Based Code. Work has been done on that draft for the last four years. Each iteration of the draft has been shaped by feedback from the Planning Commission and City Council. In March 2024, there was a Public Open House held. Input received during the Public Open House was also incorporated into the final draft. Ms. DeSeelhorst reported that the draft is now ready for formal review and potential recommendation to the City Council. She reminded the Commissioners that the City Council will make the final decision. If a decision is made during this Planning Commission Meeting, it will be formatted as a recommendation to the City Council.

Ms. DeSeelhorst reviewed what was proposed in the final draft. She reported that the proposed Fort Union Boulevard Form-Based Code will only apply to properties that are currently commercial, multi-family, or mixed-use along a section of the Fort Union Boulevard corridor. She reiterated that this will not impact single-family properties. All property owners within the potential boundary were invited to the Public Open House held in March 2024 and were also sent a mailed notice for the current Planning Commission Meeting. The proposed Form-Based Code is a zoning map amendment, as it alters existing zoning. It is also a zoning text amendment because it alters the existing code and adds a chapter for Form-Based Code regulations. If adopted, the Form-Based Code will not prevent existing development from continuing as-is. It will only affect properties that willingly redevelop within the boundary. Mark Morris from VODA was introduced.

Mr. Morris reported that the Form-Based Code is meant to be applied to a few specific nodes along Fort Union Boulevard. At the beginning of this process, goals and objectives were pulled from the existing plans and policies. The intention is to implement those goals and objectives. Form-Based Code allows for a wider variety of uses. Existing uses will be unchanged with the update.

A map of the proposed boundary was shared. Mr. Morris explained that it is envisioned in different nodes along Fort Union Boulevard. From the beginning of this process, there have been discussions about other cities that are currently using Form-Based Code. He noted that several cities across the Wasatch Front have been using Form-Based Code for years. During this process, there were consultations with cities using Form-Based Code to understand how to ensure success. The code is focused on the form of development. He clarified that these are not architectural standards and are not prescriptive about the style of development, but this looks at how the form implements various community goals, such as walkability and community-focused development.

Mr. Morris explained that the intention is for the Form-Based Code to provide a clear roadmap for property owners, Planning Staff, the Planning Commission, and the City Council. There is a worksheet with a step-by-step outline so the property owner can go through the application process. Mr. Morris reminded Commissioners that there were previous conversations about

properties under a certain size that met all of form-based requirements. Those could be approved administratively.

Ms. DeSeelhorst reported that the Staff recommendation and model motion language were prepared in case the Planning Commission chose to make a motion during the Business Session. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed Form-Based Code. She reminded Commissioners that this is a Legislative item and the City Council is the final approval authority for this matter. Ms. DeSeelhorst reviewed the findings, which state that a Public Hearing will be held in the Business Session, notice was provided to all property owners within the proposed boundary, the proposed Form-Based Code is consistent with the goals of the adopted Fort Union Boulevard Master Plan and General Plan, and the proposed Form-Based Code is compatible with surrounding neighborhoods, more than the existing combination of commercial, multi-family, and mixed-use zoning. The findings are in the Staff Report along with some additional analysis. The model motion language was shared.

Vice-Chair Anderson mentioned Page 35 of the document that was distributed. She noted that it referenced a story and feet. She wondered whether that would be defined because a story is vague and up for interpretation. Mr. Morris reported that height is regulated with both the story count and the maximum height per story. Each of the form districts has a different height limitation. It was noted that there can be a clarification made to the text for the upper floor versus the top floor. The height allowances in the form districts will not be different from what is currently permitted but will be more specific. For example, expressing the desire for a taller ground floor height.

Vice-Chair Anderson had a question about Page 92 in the document, which has to do with the review process. She noted that it does not define when the Architectural Review Commission will be involved. It outlines what Staff reviews and what the Planning Commission reviews, but does not specify when the Architectural Review Commission is involved. Mr. Morris stated that this can be clarified in the text. The idea is that if an applicant is going through the Form-Based Code approval process and there is something in the code they are unable to meet, they can ask for flexibility. At that time, the Architectural Review Commission would convene to discuss a design solution. That review process would take place before the Planning Commission process.

Commissioner Sean Steinman pointed out that the Form-Based Code areas have been defined. He wondered what the process would look like if there was a desire to define additional areas. There are other potential development areas where Form-Based Code would be advantageous to consider. Ms. DeSeelhorst explained that Form-Based Code is calibrated specifically to the area that it applies to. As a result, it is unlikely that there would be a situation where more area was included. There would likely be a similar process to the current one, where Form-Based Code was considered separately in another area. Form-Based Code is calibrated carefully to the area in question.

Commissioner Steinman wondered whether there was a reason the Gravel Pit area and Canyon Center were left out. Ms. DeSeelhorst explained that the first effort was specific to the Fort Union Boulevard Master Plan. Other redevelopment areas in the City may benefit from Form-Based Code, but this first effort was intended to have a manageable scope. Mr. Morris believes the

process will be much faster in the future, as there will already be a framework established. He reported that Form-Based Code is primarily for redevelopment areas.

Ms. DeSeelhorst reminded those present that this item is on the Business Session agenda as well. Any additional Commissioner questions can be asked and addressed during that time.

## **2.0 Old Mill Conceptual Plan (PDD Pre-Application Presentation)**

This item is an introduction to the Planning Commission of Conceptual Plans for the development of the Old Mill site (6770 South Big Cottonwood Canyon Road). This property is privately owned, and the property owner desires to pursue future development on site using the Planned Development District (“PDD”) tool. Prior to submitting a PDD application, property owners are required to introduce concept-level development plans to the Planning Commission. Please note that this item is scheduled on the June 5, 2024, Work Session agenda for introduction only. It will not be formally considered or voted on at this meeting. Formal consideration and public hearing for this project will be scheduled subsequently to the property owner submitting a PDD application.

Vice-Chair Anderson reported that the next item on the Work Session agenda is the Planned Development District (“PDD”) Pre-Application Presentation for the Old Mill site. She explained that this is an introduction to the Commission of the Conceptual Plans for the development of the site, which is located at 6770 South Big Cottonwood Canyon Road. The property owner wishes to pursue future development on-site using the PDD tool. Vice-Chair Anderson informed those present that there is nothing that will be formally considered or voted on at this time.

Community and Economic Development Director, Michael Johnson, reported that the PDD is a zoning ordinance tool in the City that applies to certain areas. For instance, a portion of the Old Mill property, the Gravel Pit, and other areas. The PDD allows for a different development proposal process. It is a much more hands-on process with the City and can result in developments that are beneficial for the site. Applying for a development using the PDD tool means it will be specific to that site and that site only. This requires a lot of back and forth and public input. The two PDDs that have been done in the past took between 12 and 18 months of public process. Another unique component of the PDD is that before an applicant can apply, there is a requirement to meet a few different pre-application requirements. The first is the Conceptual Plan introduction to the Planning Commission. That will be followed by the property owner hosting a public meeting.

Mr. Johnson explained that this is the beginning of the process. The intention of the Work Session presentation is to allow the applicant to engage with the Planning Commission and introduce general concepts. Staff has not done any formal review against codes, ordinances, or Master Plans at this point. Currently, the Staff position is neutral. The formal review process will start later on.

Chris Jensen from Think Architecture introduced himself to the Commission. This property is an important piece of history in Cottonwood Heights. The owners of the property are deeply committed to preserving the historical significance of the area as plans and concepts are developed. This presentation begins the process where the property owners and the City will start to establish some goals and outcomes for the property. There will be a high-level discussion at the current

Work Session, but he looks forward to hearing input from the Planning Commission. A narrative was submitted that mentioned some goals, the history of the area, and some possible ideas.

Mr. Jensen reviewed the vision statement that was created. The idea is to create a residential community that provides a transition with housing types while blending in with the existing neighborhoods. The goal is also to enhance the historical significance of the area. The areas of transition with natural amenities, recreation trails, open space, and landscaping will only enhance the development. There is a desire to preserve the legacy and heritage of the Old Mill through design, materials, and historical remembrance. Additionally, the property owners want to reclaim the existing mining site with residential housing types that are sensitive to the areas around it. For instance, single-family homes near other single-family homes, medium-density near Big Cottonwood Creek, and slightly higher density proposed in the area that abuts Wasatch Boulevard.

Mr. Jensen shared Exhibit G from the Meeting Materials Packet. The intended and proposed densities and locations are noted within the property. There are two single-family subdivisions that are adjacent to Big Cottonwood Canyon Road, but those are not within the PDD rezone. Those are currently already zoned as R-1. With the homes across the street being single-family, there would be single-family homes in the PDD as well. The density being proposed is considerably less than what could be achieved on the property. There is a desire to provide a transition.

Mr. Jensen reported that there is no intention to have apartments. Everything will be a for-sale product. The densities that are proposed are medium to low-density townhomes, with a density of approximately 10 units per acre. There is one area where a condominium project is proposed. That particular location is proposed for the condominiums because this will pull it away from the visual area near the Old Mill and will be closer to Wasatch Boulevard. The density proposed for the PDD is 120 townhomes and 175 condominiums for a total of 295 total residential units.

The first neighborhood workshop will take place on June 27, 2024, in the Community Room. Mr. Jensen reported that the idea is to come back to the Planning Commission in July with more details, concepts, and images. A second neighborhood workshop will take place in the first week of August. After that point, the intention is to come back to the Planning Commission with revisions. Following that, it will be appropriate to formalize an application to move the PDD process ahead.

Reagan Shelby introduced herself as the owner of the Old Mill site. She is the granddaughter of J.B. Walker, who acquired the Old Mill in 1927. Engineering reports confirm that the historic building must come down. She explained that the Old Mill legacy is important to her family and the community, so there is a commitment to preserving the history. The vision is to have a beautiful memorial of essential iconic elements to preserve and honor this site. Ms. Shelby explained that they have contacted the State Historic Society and the Daughters of Utah Pioneers for input and guidance. There will be a meeting with the Cottonwood Heights Historic Committee in July and there has already been solid dialogue with the City about this site so far. The Mayor has agreed to accept regular communication about this effort and has also agreed to meet as needed.

Vice-Chair Anderson referenced Exhibit G and noted that there is a new trail that is being proposed. Mr. Jensen explained that the current trail goes right around Big Cottonwood Canyon Road. The intention is to establish a trail adjacent to the bank of the stream and through the

development. Vice-Chair Anderson asked about the calculation for open space and whether that calculation includes the slope. Mr. Jensen confirmed that the calculation would include part of it.

Vice-Chair Anderson next asked to discuss the impacts of traffic. Mr. Johnson reported that a traffic study is a requirement of the full submittal. The technical study will look at points of ingress and egress, trip generation, site visibility, and so on. Vice-Chair Anderson believed the narrative stated that egress from the condominiums would go onto Wasatch Boulevard. Mr. Jensen clarified that there would not be a connection between Wasatch Boulevard and the development.

Vice-Chair Anderson shared feedback from one of the Commissioners who was unable to attend the Planning Commission Meeting. A number that has been used in the past as a calculation is seven trips per household. If there are 295 residences, that is approximately 2,000 vehicle trips per day added to this road. Not having seen the traffic study that has been done already, is a concern. It seems that there will be a lot of traffic for the road to absorb if this moves ahead. Mr. Jensen clarified that the 295-unit count does not include the single-family residences. Vice-Chair Anderson asked for information about the traffic study that was conducted. Mr. Jensen stated that he does not have the study in front of him at the moment, so he will refrain from commenting on that. He reiterated that the density proposed is significantly less than what could be allowed.

Vice-Chair Anderson appreciated the clarification provided on the historical significance. It is important to the owner and the family. There have been concerns expressed that the Old Mill will not remain, but the legacy of the Old Mill is important to preserve. Besides a memorial to the Old Mill, she wondered what else would be done to enhance historical significance. Mr. Jensen did not believe it was appropriate to discuss that at the current time, as many details are still being determined. He thought it would be best to review that in the future.

Commissioner Steinman asked whether there are opportunities to retrofit the property to retain the Old Mill. Mr. Jensen stated that engineering reports have been conducted by two different independent engineers. Both reports find that the structure is in significant disrepair. There have not been reports related to rebuilding or making seismic upgrades. Commissioner Jessica Chappell believes that one of the most important pieces to look at are the hazards that are currently known on the site. Cottonwood Heights has a useful GIS site, where all of those areas are well-mapped. On the south end of the site, there are some fault traces. In future presentations, she is interested in hearing about flood zones and the slope stability of the site. She acknowledged that a PDD has separate requirements for a riparian corridor, which is also something she is interested in.

Commissioner Chappell noted that she has heard a lot of comments about traffic on the site. She assumes the red line on the exhibit represents the entrances and exits to the development. Mr. Jensen explained that this is the intention, but there are still details that need to be finalized.

Commissioner Steinman asked about zoning. Mr. Johnson reported that the brown shown on the map is R-1-8 and the red is Regional Commercial. Commissioner Steinman wanted to know how many units are allowed with the current zoning. Mr. Johnson explained that when an application comes in, Staff looks at slopes and hazards, which removes some of the gross acreage. However, 8,000 square feet results in roughly five units per acre. Mr. Jensen noted that the request is 10 units per acre in certain areas, but the condominiums are 35 units per acre. Commissioner

Steinman stated that in the General Plan, Mixed-Use is what is proposed on the majority of the site. He asked what the density is with Mixed-Use. Mr. Johnson stated that it is the Mixed-Use Zoning District that allows residential density up to 35 units per acre. Commissioner Steinman stated that he feels it is important to implement General Plans from a zoning standpoint. The General Plan was voted on by the City Council and looks toward the future of the City. However, 35 units per acre seems difficult. If there is egress onto Wasatch Boulevard, that would be best.

Commissioner Steinman likes what has been proposed so far, but believes that evaluating the density is necessary. He stressed the importance of doing what is best for the health and safety of the community. He suggested that the Wasatch Boulevard access be prioritized if at all possible. Mr. Jensen appreciated the input and reiterated that there are several neighborhood workshops to come. There will also be additional conversations with the Planning Commission about this. The goal is to create a wonderful development that will enhance the historic nature of the area, but also make sure there is a beautiful environment for those who live there. The majority of the site will have 10 units per acre, but the condominium building is proposed to be located in one corner.

Preservation of the site is incredibly important to the community. Commissioner Steinman recommended obtaining data to determine what potential grants could be used to offset the cost of any retrofit to retain the historical building. Having that data would be useful in this process. As for density, where there is higher density proposed, bringing it to a faster-paced road makes sense.

### **3.0 Adjournment.**

**MOTION:** Commissioner Steinman moved to ADJOURN. Commissioner Ebbeler seconded the motion. The motion passed with the unanimous consent of the Commission.

The Work Session adjourned at 5:58 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY  
PLANNING COMMISSION BUSINESS MEETING**

**Wednesday, June 5, 2024  
6:00 p.m.  
2277 East Bengal Boulevard  
City Council Chambers**

**Members Present:** Vice-Chair Lucy Anderson, Commissioner Mike Smith (via Zoom), Commissioner Mike Shelton (via Zoom), Commissioner Sean Steinman, Commissioner Jessica Chappell, Commissioner Jonathan Ebbeler (via Zoom)

**Staff Present:** Deputy City Recorder Maria Devereux, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, Alex Earl System Administrator

**BUSINESS SESSION**

In the absence of Chair Dan Mills, Vice-Chair, Lucy Anderson, called the Cottonwood Heights Work Meeting to order at approximately 6:10 p.m. and welcomed those present.

**1.0 Welcome and Acknowledgements.**

**1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**

There were no communications or disclosures shared.

**2.0 General Public Comment.**

Ahead of the public comment period, Vice-Chair Anderson reviewed the Business Session agenda items. Senior City Planner, Samantha DeSeelhorst clarified that the public comment period is an opportunity to make public comments on items that are not on the Business Session agenda. Anyone interested in commenting on an item on the Work Session agenda can do so.

Vice-Chair Anderson opened the public comment period.

*Jackie Hibbard* explained that she lives in the Old Mill Estates and has been in that neighborhood since 2000. Providing a legacy to the community means preserving the Old Mill. She believes there are ways to raise funds to do that. It is a shame that the structure went into disarray and she wished it had been taken better care of in order to provide a legacy for others. Ms. Hibbard explained that it is a magical place and it would be nice for it to remain lower density. She stressed the importance of preserving the Old Mill rather than tearing it down and preserving only pieces. One year ago, neighbors were told by the property owner that there would only be single-family homes. She does not believe townhomes are single-family homes and neither is a condominium.

*Cody Hansen* stated that his family has lived in Cottonwood Heights since 1970. He explained that Henry Grow was the architect of the Old Mill and his architecture is well-known. Mr. Hansen believes it is possible to find the funds to save the historic building. It is a travesty that historical buildings continue to be lost to new development. He asked that everyone work together to save the historical building, but still create new development in the community. The family members of Mr. Grow want to work to save this building and maintain the history in Cottonwood Heights.

*Bradly Yoder* reported that he is a resident of the Old Mill area and has been there for almost 20 years. He believes the density proposal is extreme. Currently, in the area that goes up and down Big Cottonwood Canyon Road, there are single-family homes. While he is pleased there is some interest in developing the property, the density is a major concern. As for the Old Mill, he noted it will likely be cost-prohibitive to preserve the structure, as it has been in disarray for some time.

*Marylin Fine* stated that she is a resident of the Old Mill Estates. Her main concern with what has been proposed so far is the traffic impact. That needs to be taken into consideration as far as emergency response and the ingress and egress into the area. Ms. Fine wanted to see the City require an easement from Wasatch Boulevard. If there is egress from Wasatch Boulevard, that would eliminate a lot of the concerns related to traffic along Big Cottonwood Canyon Road.

*Tom Etzel* explained that he lives in Old Mill Estates and is against what has been proposed. The density is far too high. This is a single-family home area and that is all he feels it should be. There was a meeting that took place approximately two years ago, and neighbors were reassured that there would only be single-family housing, but that is not what has been proposed more recently. He cannot imagine having an additional 2,000 vehicle trips on the road every single day.

*Shauna Bland* stated that she is in the Homeowners Association (“HOA”) for the Old Mill Estates. She has concerns about the proposed density, as 35 units per acre seem high for the area. Previously, neighbors were told that there would be single-family homes, which is what is desired. Ms. Bland is also concerned about the traffic issues that the proposal would create. She is worried about the ability to exit in the case of an emergency with so many residents in the area. For 18 years, she watched the Old Mill become worse. She wondered why it was not taken care of in the past. Once history is gone, it is not possible to get it back, but it may be possible to obtain the financing to preserve the structure as much as possible. It is an iconic building in the City.

*Dave Clark* explained that he is the President of the Old Mill Estates HOA. There have been many meetings about this particular development, including meetings with the developers and Think Architecture. In the meeting that was held two years ago, the proposal was to have all single-family homes. At the meeting in January, a very different proposal was shared. Mr. Clark stated that there is precedent set for preserving historical buildings. There has been communication with the Henry Grow Family Association, as their descendant was the architect of the building. There are some significant historical aspects of this building that he feels are important to preserve.

*Rick Stephenson* stated that he lives on Canyon Creek Drive across from the Old Mill property. He appreciated that Vice-Chair Anderson asked questions during the Work Session about the density. Neighbors were previously told that there would be single-family density and that is clearly changing. The study from the City calculates seven vehicle trips per day, but one credible

calculation he found online was nine vehicle trips per day. Whatever number is used, it is clear that there will be notable impacts on the road. Adding more density will only increase the safety issues. Mr. Stephenson noted that based on videos online, the Old Mill has holes in the floorboards and missing steps. He pointed out that there has not been good caretaking on the property.

*Allen Brown* reported that he moved into the Old Mill area because it was part of his history and his childhood memories. His family loves the City and the Old Mill. Mr. Brown believes the Old Mill building needs to remain because of its historical significance. There is a rich history in the area that should be preserved. There is State funding that can help to preserve the building. In addition, residents in the area would be willing to look into possible solutions for preservation. Mr. Brown believes this area should remain single-family, as townhomes and condominiums will likely result in tourists and rentals. The Gravel Pit makes more sense for high-density uses.

*Angeline Etzel* stated that she has lived in the Old Mill area for 31 years and has been asked to read a statement from the Henry Grow Family Association. The Henry Grow Family Association is a non-profit corporation that represents the interests of approximately 25,000 living descendants of a pioneer builder and civil engineer, Henry Grow Jr. He is best known as the designer of the historic Salt Lake Tabernacle on Temple Square in Salt Lake City, but during his lifetime, he oversaw the construction of numerous railroad bridges in Pennsylvania, many structures in Illinois, and several bridges and buildings in Utah. Over the years, the organization has aimed to commemorate the remarkable achievements of Mr. Grow and strengthen family ties.

Ms. Etzel reviewed some of the other bridges and buildings that were associated with Mr. Grow. Though many of the structures are now gone, the paper mill still stands near the mouth of Cottonwood Canyon. The Henry Grow Family Association understands that the Planning Commission is considering development plans for the property where the Cottonwood Paper Mill currently stands. They encouraged the Commission to reject any proposal to destroy the historic structure. It is believed that funding can be obtained to restore the mill and use it as a memorial to the pioneers who built it. It can also be a community gathering place and public resource. It may serve as a means of promoting economic development by attracting visitors and new residents.

Ms. Etzel clarified that she is not part of the Henry Grow Family Association, but was asked to read the letter. She was involved in the discussions where residents were told that there would be single-family homes in the area. One of her main concerns has to do with traffic levels.

*Stephanie Yoder* stated that she lives in the Old Mill Estates and has been here for 19 years. It is a landmark in the community and it is sad to think that the landmark will be removed. She pointed out that residents will be unable to ride bicycles down Big Cottonwood Canyon Road if the proposed density moves forward. 2,000 additional vehicle trips per day will take away that opportunity. She hopes the Planning Commission will prioritize the open space and history.

*Robyn Taylor-Granda* is a resident of Cottonwood Heights and is also the Historic Properties Programs Manager for Preservation Utah. She explained that Preservation Utah is a non-profit in Utah that advocates for historic resources for preservation and maintenance. Preservation Utah holds easements on 127 properties in Utah. This provides protection, but it is an elective protection. The Old Mill is on the National Register, which provides no actual protection for the

building, as it is an honorific status. However, the listing leaves the development open for Federal and State resources as well as tax credits and charitable donations related to the development of the property. Historic preservation is financially viable. She does not feel that the developers have looked into the viability of keeping the mill as part of the development. It is early on in the process to state that the Old Mill needs to go because it is a matter of will, money, and creative thinking. She encouraged the City to require that much more study be done on the viability of the building.

*Randy O'Kelly* also lives in the Old Mill Estates area and has been there since 2000. The beauty of the area has really developed in the time that she has lived there. There is a lot of wildlife, flowers, and natural growth. Putting larger buildings in that area will impact what currently exists. This is a unique situation where it is possible to maintain the charm that exists in the area.

There were no further comments. The public comment period was closed.

### **3.0 Business Items.**

#### **3.1 Project ZMA-24-001 – A Public Hearing and Possible Recommendation to the City Council on a City-Initiated Request to Implement a Form-Based Code Along a Portion of the Fort Union Boulevard Corridor.**

Ms. DeSeelhorst reported that information about Form-Based Code was reviewed during the Work Session. If anyone would like to watch the broadcast of the Work Session for the presentation, that is available on the YouTube channel the City runs. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed Form-Based Code. She shared a slide with the findings and noted that those are also in the Staff Report.

Vice-Chair Anderson opened the public hearing. There were no comments. The public hearing was closed.

**MOTION:** Commissioner Steinman moved to forward a recommendation of APPROVAL to the City Council for Project ZMA-24-001, based on findings listed in the Staff Memo and attachments dated June 5, 2024, with the additional details discussed during the Work Session. Commissioner Ebbeler seconded the motion. Vote on Motion: Commissioner Steinman-Aye; Commissioner Chappell-Aye; Commissioner Shelton-Aye; Commissioner Ebbeler-Aye; Commissioner Anderson-Aye. The motion passed with the unanimous consent of the Commission.

### **4.0 Consent Agenda.**

- 4.1 Approval of Planning Commission Minutes from the March 6, 2024, Meeting.**
- 4.2 Approval of Planning Commission Minutes from the April 3, 2024, Meeting.**
- 4.3 Approval of Planning Commission Minutes from the May 1, 2024, Meeting.**

It was noted that the March 6, 2024, Planning Commission Meeting, was a straight transcription of the meeting. On Page 18 in the last paragraph, it should say “context” rather than “contacts.”

**MOTION:** Commissioner Chappell moved to APPROVE the Consent Agenda, as amended. Commissioner Steinman seconded the motion. The motion passed with the unanimous consent of the Commission.

Ms. DeSeelhorst reported that there are two meetings on the schedule for July, but she believes the second meeting will be canceled and only the first Planning Commission Meeting will be held.

#### **5.0 Adjournment.**

**MOTION:** Commissioner Steinman moved ADJOURN. Commissioner Shelton seconded the motion. The motion passed with the unanimous consent of the Commission.

The Business Meeting adjourned at 6:52 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Meeting and Business Meeting held on Wednesday, June 5, 2024.*

*Maria Devereux, Deputy Recorder*

**MINUTES OF THE COTTONWOOD HEIGHTS CITY  
PLANNING COMMISSION WORK MEETING**

**Thursday, July 11, 2024  
5:00 p.m.  
2277 East Bengal Boulevard  
City Council Work Room**

***ATTENDANCE***

**Members Present:** Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Dan Poulson, Commissioner Mike Shelton, Commissioner Mike Smith

**Staff Present:** Senior City Planner Samantha DeSeelhorst, Community and Economic Development Director Michael Johnson, Associate City Planner and Sustainability Analyst Ian Harris, System Administrator Alex Earl, Records, Culture, and Human Resources Director Paula Melgar

**WORK SESSION**

Chair Dan Mills called the Planning Commission Work Session to order at 5:00 p.m.

**1.0 Review Business Session Agenda.**

Senior City Planner, Samantha DeSeelhorst reported that at the Planning Commission Meeting in April, there was discussion about minor updates to Title 19 of the City Code. The proposed modifications relate to yard elements and historic preservation. At the Planning Commission Meeting on April 3, 2024, feedback was received from the Planning Commission. An updated draft document has since been provided to the Commission that incorporates that feedback.

Ms. DeSeelhorst reviewed the changes made to the language between the April meeting and the current meeting. The first change was to the definition of Gazebo. It was updated from “occupiable” to “habitable,” because technically it is possible to occupy a gazebo but it is not a habitable space. A similar change was seen in the Playground, Swing Set language. In the Raised Beds, Planters section, a clarification was made to state that this refers to an above-ground planting vessel that is for decorative purposes or gardening purposes. It is not structural, and by this definition, it is also not meant to be a wall. Commissioner Lucy Anderson pointed out that there is a reference to “habitation” in one section and to “habitable space” in another. Ms. DeSeelhorst agreed it is best to have consistency and thanked her for the observation. When the draft is updated for the City Council review, one version or another can be chosen and used consistently.

The next change was to the Swimming Pool language. Ms. DeSeelhorst reported that at the Planning Commission Meeting in April, there were two different definitions. One was for a private pool in a yard while the other was more geared towards recreation. Based on that discussion, there was a consensus to collapse that into one definition. If someone was interested in renting out their swimming pool, that person would need to go through the Home Business section of the City Code.

The definition of Treehouse was also changed from “occupiable” to “habitable.” Ms. DeSeelhorst reported that 19.04 lists all of the various definitions. Following that is regulatory language, which can be found in 19.76.030 – Structures, Bulk, and Massing Requirements. Ms. DeSeelhorst pointed out the language in the Miscellaneous Yard Elements section. There were some discussions at the previous Planning Commission Meeting about what should be allowed for flagpole heights. Associate City Planner and Sustainability Analyst, Ian Harris, did some research on what is being done in other cities. The recommended approach is similar to what is done in Holladay. The proposal is to state that flagpoles may be located anywhere in the yard and may exceed the maximum structure height in the underlying zone by a maximum of 10 feet.

As far as the Retaining Wall section, Ms. DeSeelhorst noted that many scenarios need to be considered. It is difficult to write code language that covers a number of potential situations. Ultimately, the section includes existing language on walls and fences on a property line. There is an exception to the height of a wall or fence that is being constructed meet the setback standards for a building in that zone. Ms. DeSeelhorst shared some example scenarios. Discussions were had about the current wall and fence language. Ms. DeSeelhorst clarified that there was some language about terracing, but nothing that clarified the exceptions for height.

Community and Economic Development Director, Michael Johnson explained that the existing language is good for governing fences and walls at property lines, but it is not as useful for a retaining wall that goes from one level of the yard to another. Ms. DeSeelhorst pointed out that what is proposed is still open for discussion. She shared additional information about the engineering standards and explained that there is a certain ratio of rise over run. Chair Mills asked about the calculation. Mr. Johnson explained that it depends on the design of the wall, but it is a Building Code and Engineering Code calculation that is used. However tall one level is, it needs to be horizontally set back a certain distance before another wall is started for those to be considered separate. Otherwise, he noted that terracing can be done, but it is considered one wall.

Ms. DeSeelhorst reported that the language specifies it is from existing grade. It is not possible to add in 10 feet of fill and then build the wall on top of that fill. Ms. DeSeelhorst noted that any Commissioner recommendations can be made on the verbiage and taken to the City Council. Chair Mills asked whether it is possible to differentiate between an enclosed structure and a freestanding wall. Mr. Johnson confirmed that there can be a differentiation, but the question is whether there is a difference between a 14-foot shed that is three feet off the property line and a 14-foot fence that is three feet off the property line. Ms. DeSeelhorst pointed out that the proposed language states that a permit is required. There is language in the Building Code that specifies when a permit is required for walls and fences, but she wanted that to be included in this section as well for clarity.

Currently, the rule is that a permit is required for a wall over four feet in height and a fence over 6-feet in height. Commissioner Anderson asked whether a Building Permit is also required for a series of retaining walls. Ms. DeSeelhorst confirmed this. If the separation standard is not followed for terracing, then the cumulative height would be taken. However, if each tier was four feet and the run between them was met, then a Building Permit would not be needed. She reported that sometimes, there is a retaining wall with a fence, and it is the cumulative height of the two.

Mr. Johnson shared information about 19.86, which is the Historic Structure Ordinance. There is language elsewhere in the City Code governing demolition, approvals, and permits for non-historic structures and historic structures. The line that has been added cross-references what is in the Zoning Ordinance with what is in Title 15 of the code. Those items are now linked together. Title 19 clarifies the process for modifying or removing historic structures and Title 15 clarifies the process for demolishing any building in the City. The latter includes the different procedures involved. The language that has been proposed essentially bridges those two ordinances together.

Commissioner Mike Shelton asked about the requirements for a Demolition Permit for a historic structure. Mr. Johnson explained that Title 19 states that if a building is listed as a historic structure in the City, in order to modify the historic intent, a Conditional Use Permit is required as well as a public input process not to be less than 12 months. Commissioner Shelton asked about the grounds to deny a Conditional Use Permit in that instance. Mr. Johnson explained that this is outlined in the language. Ms. DeSeelhorst clarified that the change currently being considered by the Commission will not modify what the actual requirements are, but Title 15 will be referenced.

Chapter 15.15 was adopted fairly recently by the City Council. Mr. Johnson explained that it establishes that if a structure in the City is being demolished, a Demolition Permit is needed. Those who do not obtain a Demolition Permit are subject to certain penalties. If it is a historic structure, a Certificate of Appropriateness to Demolish a Historic Structure needs to be approved by the City Council. He noted that this is in addition to the Conditional Use Permit and 12-month process.

Chair Mills shared additional comments about retaining walls. He referenced some recent projects on Fort Union Boulevard and wondered whether the proposed changes would have had any measurable impact on those. Ms. DeSeelhorst does not believe so. Chair Mills asked about lessons learned from previous projects. Ms. DeSeelhorst explained that one lesson learned is the need for additional clarity in the chapter because there are often questions about what is allowed. Based on working with code enforcement on illegally built walls, it is essential to be as clear as possible about the rules. Mr. Johnson believes the proposed language will improve the ability to enforce.

Chair Mills asked whether there were any concerns about the proposed flagpole language. He reminded Commissioners that the proposed language states that flagpoles can be located anywhere in the yard and can be 10 feet higher than the structure. Mr. Johnson reported that in most zones that means it can be as high as 45 feet. Ms. DeSeelhorst reminded Commissioners that everything that has been proposed can be discussed further and changed if desired. She noted that the flagpole language was modeled after the language in Holladay, which was eight feet higher than the structure.

Mr. Johnson noted that the standards for accessory buildings typically have a three-foot setback. That could be something the flagpole language is modeled after as well. As for the sign code, that applies to commercial properties, and normally there is a setback of 18 inches to two feet to move it off of the property line. Ms. DeSeelhorst wondered whether a flagpole on the front property line could create clear-view issues for someone who is backing out. It is possible to state that flagpoles must be three feet off of all property lines. Commissioner Shelton asked whether any flag can be put on a flagpole. Mr. Johnson reported that the content itself is not being regulated. The City can regulate how tall the flagpole is and where it is located, but not necessarily what is on the pole.

Commissioner Anderson believes this is an appropriate time to discuss the implementation of a setback. She is not opposed to stating that a flagpole must be three feet from a property line. If the pole is on the property line and the flag is waving, it could hang over the property line. To avoid potential disturbance to a neighboring property, the three-foot regulation seems reasonable. Mr. Johnson noted that he does not recall there being a complaint about a flagpole in the past. Ms. DeSeelhorst explained that setback language can be added to a motion during the Business Session.

Commissioner Mike Smith asked about the allowed flag size. Ms. DeSeelhorst stated that it is not regulated. Commissioner Smith wondered how difficult it would be to make revisions to the language. Mr. Johnson explained that if an ordinance without a setback was adopted and there was a desire to change that in the future, it could be done, but the flagpoles installed in the meantime would be allowed to remain in a legal non-conforming manner. Commissioners expressed support for adding a setback to the language now rather than in the future.

Ms. DeSeelhorst noted that the only item on the Business Session agenda is the Zoning Text Amendment to Title 19. She asked Chair Mills what he would like the remainder of the Work Session to be focused on. It was noted that it is possible to answer questions about other City projects. Chair Mills believes there are a few items where updates might be useful.

Information about the Town Center was shared. Chair Mills reported that the work of the Advisory Committee is coming to an end. The options were narrowed down and those went to the Community Development and Renewal Agency (“CDRA”). The Committee was comfortable with all of the options. The primary feature continues to be 20% open space. There is a desire to maximize the views and make sure this has the possibility of becoming an economic generator for the City. The Mayor has pointed out that there are very few ways the City can raise revenue outside of property taxes and sales taxes. Something that will be a potential economic generator in the future may require a heavier lift. As a result, there has been some discussions about a bond. It will be interesting to hear the public feedback once the iterations of the project are shared.

Chair Mills reviewed some details about the project and explained that it includes parking that is tucked away, open space, a street that could be shut down in the right circumstance for walkability, and a small amount of residential. The Town Center Master Plan Concepts document was shared. Chair Mills explained that a lot of the structures are not defined, because the use is not dictated. Though there were some ideas about what might work well, this will ultimately depend on developers and tenants. He noted that there will be a lot of sitting spaces to observe the views. There is a focus on active transportation, such as walkability and the ability to bicycle in the area.

Mr. Johnson shared additional concept images with the Commission. He reported that these images will be posted on the project website. Direction has been given to explore adding a General Obligation Bond to the ballot to assist with some of the public financing necessary for public spaces. He believes around Butlerville Days, the City will start on the public education component.

Chair Mills reported that on 2300 East, there is a piece of property that was previously considered for a City Hall, but it had been tied up in court for decades. It is his understanding that there is

movement on that property and it is no longer tied up in court. The property owner hopes to put high-density housing in that area, which is adjacent to an apartment building. Ms. DeSeelhorst noted that this would be part of the form-based code area. Any development on that site would be under that new purview. Additional discussions were had about the property.

Commissioner Shelton likes the idea of having a place where there can be musical events. Commissioner Anderson is not a fan of a street running through the Town Center project area. She believes that will reduce walkability. Mr. Johnson reported that the Advisory Committee spoke a lot about that. He encouraged Commissioners to listen to the CDRA Work Session that was held a few weeks back because there was an in-depth discussion at that time. The idea is to have ground-floor retail commercial uses with wide sidewalks. The street itself would not be a typical City street. While vehicles would be allowed on that street, vehicles would not necessarily be the priority. Ms. DeSeelhorst told Commissioners that the renderings shown are not architectural.

The Planning Commission next discussed the Old Mill property. Mr. Johnson reported that a lot of comments have been received about the future development of the Old Mill at both the Planning Commission and City Council levels. He clarified that this is not an agenda item for the current Planning Commission Meeting, but there is an event being hosted across the hall in the Community Room at 6:30 p.m. It is not a City-affiliated event, but the owner of the Old Mill has rented the room out and is hosting a community open house at that time. As a result, there might be some comments received during the General Public Comment period about the Old Mill.

Similar to the concept presentation that was made to the Planning Commission in June, there will be approximately 30 minutes allotted for a presentation to the City Council next week. During the last presentation to the Planning Commission, the representative stated that there is a desire to come back to a Planning Commission Work Session after some of the community open houses are held. There is not a date scheduled for that, but it is anticipated that it will be in August or September. Mr. Johnson reported that the Old Mill discussions are at the pre-application level.

Chair Mills asked about form-based code. It seems that it was fairly well received by the City Council. Mr. Johnson confirmed that form-based code was introduced to the City Council during a recent Work Session and will come back to the Council for public input and consideration.

Ms. DeSeelhorst shared information about a bicycle lane project and explained that some progress has been made there. Two townhome developments were built around 2019 on Fort Union Boulevard. The developer of each was required to put in a bicycle lane as part of their development, but there was a gap between the two. Grant funding was received to connect the gap and build the lane. She explained that it has been a lengthy process due to issues such as funding and the COVID-19 pandemic. The Public Works Department is also working on a sidewalk project for 1700 East. Mr. Johnson confirmed that this will complete the connection from Fort Union to 7200. It was noted that the two projects were bid together to save on the construction costs.

The Canal Trail Feasibility Study is wrapping up. On the East Jordan Canal Trail, there is an existing section behind Mountview Park. The City Council directed Staff to look into a Feasibility Study that examines different options to extend that. Work has been done with a consultant for the past nine months. It will be interesting to see what comes out of that process. Ms. DeSeelhorst

pointed out that some Feasibility Studies do not move forward with construction. However, if this is something that is prioritized by the City Council, it can be used to guide future construction.

At the Canyon Centre by the Marriott Hotel, in the Master Plan, there has been an arrangement to use some of the tax increment from those developments to build a City Park. The City has been waiting for the funds to accrue and it is now possible to move forward with the design work. Ms. DeSeelhorst reported that the park will be approximately one acre. A consultant has been selected and that process is underway. The park area will be owned by the Redevelopment Agency and will be located right in front of the hotel. She further described the area to the Commission. It was noted that the park was originally anticipated to be an amphitheater. Ms. DeSeelhorst confirmed this, but with the focus on performing arts at the Town Center, that use is not being prioritized at this park. That being said, the process with the consultant has only just begun. There will be a public process where different options are presented and are further considered.

The Commission discussed other building projects on either side of the park. Mr. Johnson noted that the parcel on the west of the map shown is entitled as an apartment building. Another parcel was originally entitled as an office building. However, an amendment to the original Development Agreement is being pursued. Ms. DeSeelhorst reported that the office market changed a lot following the COVID-19 pandemic. Mr. Johnson stated that the intention is to eventually make a formal request to amend the Development Agreement in order to allow a different use there than office. While some of the taxing entities have been approached, a formal proposal has not been submitted to the CDRA. Mr. Johnson believes that is something that will be done in the future.

Commissioner Anderson stated that the Planning Commission's decision to approve the consolidation of three lots at Golden Hills Canyon was appealed. She asked about the decision. Mr. Johnson reported that the written decision was received earlier that afternoon. The appeal was denied, meaning the original decision made by the Planning Commission was upheld. As a result, the lot consolidation approval stands. Commissioner Anderson thanked him for the update.

Mr. Johnson shared information about the HAWK signal on Fort Union Boulevard. It is the signalized crosswalk that legally makes traffic stop so pedestrians can cross safely. That is scheduled to be done before school starts again. Ms. DeSeelhorst noted that there are some lane closures currently while that work is being done. She acknowledged the construction impacts.

## **2.0 Adjourn.**

***Commissioner Shelton moved to ADJOURN. Commissioner Anderson seconded the motion. The motion passed with the unanimous consent of the Commission.***

The Work Meeting adjourned at 5:50 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY  
PLANNING COMMISSION BUSINESS MEETING**

**Thursday, July 11, 2024  
6:00 p.m.  
2277 East Bengal Boulevard  
City Council Chambers**

**Members Present:** Chair Dan Mills, Commissioner Lucy Anderson, Commissioner Dan Poulson, Commissioner Mike Shelton, Commissioner Mike Smith

**Staff Present:** Community and Economic Development Director Michael Johnson, System Administrator Alex Earl, Records, Culture, and Human Resources Director Paula Melgar

**BUSINESS SESSION**

Chair Dan Mills called the Business Session to order at 6:00 p.m.

**1.0 Welcome and Acknowledgements.**

**1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**

There were no ex parte communications or conflicts of interest disclosed.

**2.0 General Public Comment.**

Chair Mills noted that while some residents may be interested in issues related to the Old Mill, no business will be conducted on the Old Mill during the current Planning Commission Meeting. He reported that there is a meeting scheduled in the Community Room at 6:30 p.m. about the property.

Community and Economic Development Director, Michael Johnson clarified that the property owner for the Old Mill presented at a previous Planning Commission Meeting and has reserved the Community Room across the hall to host their own event. Members of the community can provide input and ask questions there. However, it is not a formal City meeting and is not associated with the Planning Commission. He reiterated that it is not a meeting hosted by the City.

Chair Mills opened the public comment period.

*Alan Fletcher* shared comments about the Old Mill property. Approximately a year and a half ago, there was a meeting with Think Architecture and the Walker family about a proposal. At that point, it was proposed that the property surrounding the Old Mill be developed into single-family housing. At the conclusion of that meeting, there was support expressed for the proposal. He believed the proposal had a lot of merit and made sense with the existing development in the area.

A year later, nothing further had been heard from Think Architecture or the Walker family, so the Mayor was approached. The Mayor then contacted Think Architecture for more information about the Old Mill. During the second meeting with Think Architecture, it was stated that the old proposal for single-family housing was no longer being pursued. A new proposal was shared, which included approximately 300 apartments and condominiums, but there is no support for that.

Mr. Fletcher pointed out that there are safety issues and traffic issues associated with the new proposal. A letter was subsequently written to the Mayor to outline the concerns. Since then, there have been meetings held with the HOAs that are on Big Cottonwood Canyon Road. Mr. Fletcher does not believe this is a development that will work, as there are too many units proposed. It will create too much traffic and congestion in the area. He is present to voice his concerns and stated that this is not a proper use of the land. The single-family developments originally proposed make more sense. While everyone has the right to develop their land, responsible development is vital.

*Stephanie Yoder* reported that she lives in the Old Mill Estates. She does not have a problem with the single-family units originally proposed and agrees with the comments shared by Mr. Fletcher. Her neighborhood was chosen because of the ambiance, not for high traffic levels, light pollution, noise pollution, and increased crime. Ms. Yoder expressed concerns about property values moving forward. There needs to be an alternative to what has been proposed. She does not know whether it is possible to raise money to save the footprint of the Old Mill, but it was reiterated that increased residential units tend to lead to increased traffic, crime, light pollution, and many other issues.

*Shawna Bland* stated that she is with the HOA from the Old Mill Estates. She wants to see the Old Mill remain and be revitalized. In Europe, old buildings are preserved and revered, but here it seems there is a desire to demolish and rebuild. Ms. Bland believes that putting townhomes where the Old Mill currently stands would be a travesty. There are grants and there is private funding that can be used to redo the Old Mill in some manner. The outside can be redone and the inside can have new electricity and plumbing so it can be utilized for something unique to the community. While she understands that the developers will develop the land, she encouraged single-family housing to be placed on the property instead of what has recently been proposed.

*Erin Salazar* reported that she is representing a small neighborhood with eight homeowners. Some of those homeowners have lived in the area for long enough to possess historical knowledge and documents. On behalf of those in the neighborhood, she expressed concerns about the recent discussions surrounding the Old Mill proposal. Ms. Salazar was born in Salt Lake City, moved to Oregon as a child, then returned to Utah. She loves Cottonwood Heights and the surrounding area.

After reviewing the information shared during the last Planning Commission Meeting, neighbors have expressed reservations about the proposed development. It is important for the City to prioritize balanced growth, which includes careful consideration of housing density and infrastructure capacity as well as the preservation of cultural heritage. The proposed development involves significant alterations to the landscape, including the removal of the historic Old Mill, which serves as a unique landmark in the City. Ms. Salazar reported that the area provides a welcome walking and bicycling experience and is seen as the crown jewel of Cottonwood Heights.

As for housing density, the plan to add so many units in the area is alarming. This could strain the existing infrastructure and alter the character of the surrounding neighborhoods. In addition, there are serious environmental concerns, as there is already severe air pollution. Ms. Salazar explained that there is daily evidence of salt and dust settling in homes due to the nearby rock quarry.

The proposal includes a new private walking trail on the north side of the river. Considering the City's significant investment in the existing historical trail, this additional seems unnecessary and duplicative. Ms. Salazar stated that the anticipated increase in traffic on Big Cottonwood Canyon Road is troubling, as the road is already dangerous. Increasing traffic could jeopardize pedestrian and bicyclist safety, which would undermine the efforts made by the City to enhance these aspects of community life. Ms. Salazar also asked that considerations of seismic activity not be overlooked. Construction in an area that is susceptible to seismic activity raises valid safety and sustainability concerns. While the neighbors understand the need for development, it is imperative that development be done thoughtfully and responsibly. She asked the Commission to consider the concerns that have been expressed as the decision-making process continues to move forward.

*Jacqueline Hibbard* reported that she is also on the HOA Board for Old Mill Estates. The initial proposal for single-family homes is something that she supported, but the proposal has since changed. As for the Riparian Ordinance, the plans she saw did not meet the New Code. Ms. Hibbard believes the new Riparian Ordinance needs to be enforced because the townhomes are proposed to be near the creek along with the new trail. She asked that the current zoning be maintained. There are appropriate locations with more density in the City, but that is not in this area.

*Steve Carlston* explained that he has spent most of his life in the area. The Old Mill was once a viable building that had a Certificate of Occupancy. Over time, he has watched the area grow, evolve, and change, which is expected, but he has also watched certain things fall apart. No one disputes that the Walker family has the right to develop and monetize the property, but the way that monetization is proposed is disturbing. He expressed concerns about high-density housing on the edge of the watershed and stated that this is a reckless choice. Allowing the Old Mill to fall into the level of disrepair that has highlighted that there has been no stewardship demonstrated.

The parking lot to the east of the Old Mill is currently being used to stage gravel for road repairs. However, the trucks are overloaded, and gravel spills everywhere. No one bothers to clean it up, so the mess remains for residents. Again, a lack of stewardship has been demonstrated by the owners. Mr. Carlston asked the Planning Commission to protect the area and urged Commissioners to be thoughtful about the decisions made for the Old Mill site moving forward.

*Roger Bland* explained that he has lived in the area for 44 years and the last 23 years have been in the Old Mill Estates. Every day, he drives on Big Cottonwood Canyon Road and it is hard to believe that what is proposed could come to fruition. There are currently 144 residents in the entire two-mile area. The proposal is to add over 300 additional units. This is a shocking number to consider. In almost every decision that is made, it is important to consider whether something is a long-term visionary decision. Mr. Bland asked the Commission not to allow a zone change.

*Nancy Hardy* stressed the importance of saving the Old Mill. Since 2005, the historical mill has been within the City of Cottonwood Heights. In her opinion, Cottonwood Heights has the responsibility and obligation to protect this treasure. The Old Mill is valued for its historic past and the design by Henry Grow. Ms. Hardy believes it should be saved for what it can become for future generations. She shared an example of the Old Rock Mill in Farmington. Ms. Hardy does not believe the zoning of the land should be changed for high-density housing. She asked the Commission not to destroy one of the reasons people move to the City. Tearing down a piece of history for high-density housing is not something that should be supported in the community.

*Ann Bernstein* reported that she has lived in the Old Mill Circle area since 1995 and agrees with the comments that have been shared so far. There is a desire to maintain the single-family zoning and the setback from Big Cottonwood Creek. Ms. Bernstein endorses the idea of retaining the Old Mill façade, as it is important to the community. She shared comments about the safety of the road and explained that entering and exiting her neighborhood is treacherous already. Increasing the amount of traffic on that road will create a serious problem for residents. Regardless of what happens with the Old Mill development moving forward, she explained that her neighborhood would appreciate some attention being paid to the speeds and the blind corner that exists.

*Dan Mackintosh* stated that his family moved into the area in 1954. The Old Mill was important back then and he was allowed to visit there many times. There were dances and wedding receptions held. It was a popular place because of its history and design. Mr. Mackintosh explained that there is value in the Old Mill. Replacing the Old Mill will not improve the property. Many in the community support it remaining and are likely willing to donate to see that happen.

*Hal Ford* explained that he has been a resident of Cottonwood Heights for 46 years. He believes the Planning Commission and City Council have the responsibility to protect and preserve the quality of life for the residents. There are many benefits to preserving the Old Mill property.

It was noted that Commissioner Mike Smith left the meeting at approximately 6:32 p.m.

*Ron Mills* is a resident of Old Mill Estates and asked that the benefits of the project be outlined.

*John Mai* reported that the one rule he governs himself by is the extent to which he lives at the expense of others. For instance, if he is exploiting others for his own benefit and to what extent he betters his livelihood at the expense of someone else. He does not believe this kind of development is a necessity. The role of the community is not to live at the expense of other residents, but to come together and determine the best fit for everyone. He asked that this be considered as the Old Mill development discussions continue to move forward.

*Deborah Bush* explained that she lives in the Old Mill Estates and her husband is a descendant of Mr. Grow. She reported that the Henry Grow Family Association has recently become involved. In other areas of the world, such as Rome, ruins are cherished for their history. However, the same cannot be said here. The Old Mill is almost 200 years old and it is vital to the community. She stressed the importance of saving the Old Mill and making it a viable part of the community.

There were no further comments. The public comment period was closed.

### 3.0 **Business Items.**

#### 3.1 **Project ZTA-23-002 – A Public Hearing and Possible Recommendation to the City Council on a City-Initiated Request for a Zoning Text Amendment to Make Administrative Updates to Portions of Title 19. The Purpose of this Text Amendment is to Clarify Ambiguous Definitions and Procedures and Rectify Conflicting Provisions as Part of Ongoing City Code Maintenance. The Proposed Modifications Relate to Yard Elements and Historic Preservation.**

Mr. Johnson reported that the proposed amendments are fairly minor technical changes to the zoning text. These have been brought forward quarterly to clean up ambiguous terms. This update primarily focuses on yard elements and historic preservation. Mr. Johnson explained that the Planning Commission reviewed the proposed amendments during the Planning Commission Meeting in April and the Work Session held before the current meeting. He reminded the Commission that this is a legislative item, so a recommendation will be made to the City Council. The City Council will make the final decision about the proposed amendments.

Commissioner Dan Poulson noted that during the Work Session, there was a discussion about flagpoles. He wondered whether that language needs to be included in the motion that is made. It was clarified that any proposed changes need to be included in the motion language. Chair Mills explained that the model motion that was shared by Staff can be modified as it is necessary.

Chair Mills opened the public hearing. There were no comments. The public hearing was closed.

***Commissioner Shelton moved to forward a recommendation of APPROVAL to the City Council for Project ZTA-23-002, based on the findings listed in the Staff Memo and attachments dated July 11, 2024, with the addition of the following recommendation:***

1. ***That the language for flagpoles references a minimum three-foot setback.***

***Commissioner Anderson seconded the motion. Vote on Motion: Commissioner Anderson-Yes; Commissioner Poulson-Yes; Commissioner Shelton-Yes, Chair Mills-Yes. The motion passed with the unanimous consent of the Commission.***

### 4.0 **Adjourn.**

Chair Mills reported that the next Planning Commission Meeting will be on August 7, 2024.

***Commissioner Anderson moved to ADJOURN. Commissioner Shelton seconded the motion. The motion passed with the unanimous consent of the Commission.***

The Business Meeting adjourned at 6:47 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Planning Commission Work Session and Regular Meeting held on Thursday, July 11, 2024.*

Maria Devereux

Minutes Approved: \_\_\_\_\_